

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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DANIEL OWENS,

Plaintiff,

v.

DONNA JOHNSON, JEFF HALL, and  
ARNOLD POTEK,

Defendants.

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ORDER

09-cv-511-slc

Plaintiff Daniel Owens was granted leave to proceed under the *in forma pauperis* statute, 28 U.S.C. § 1915, on his Eighth Amendment and conspiracy claims against defendants. Dkt. 31. Plaintiff has filed a motion seeking a ruling on what he refers to as “the state law claims” found in his amended complaint. Dkt. 33. As far as I can tell, there are no state law claims in plaintiff’s amended complaint. Besides the vague statement that “some of these are state law claims,” which is found at the beginning of his amended complaint, plaintiff merely states:

Each defendant acted with malice, intentional deliberate indifference with a total lack of concern for my life and medical conditions, with total reckless disregard for my life, health and well being, in total violation of the U.S. Constitution, the Wisconsin Constitution and Wisconsin Statutes.

Amend. Cpt., dkt. 26 at 15.

Mentioning the state constitution and state statutes in general does not raise a state claim. It is true that courts are to read the allegations in a pro se complaint generously. *Haines v. Kerner*, 404 U.S. 519, 521 (1972). Nonetheless, plaintiff’s allegations clearly focus on alleged violations of the United States Constitution, e.g., his use of the term “deliberate indifference” and “reckless disregard.” In fact, none of plaintiff’s allegations can be construed to identify or even point the court toward possible state law claims. *Cf. Hamlin v. Vaudenberg*, 95 F.3d 580,

583 (7th Cir. 1996) (court of appeals would not construe pro se complaint as raising claims for violation of federal law when the complaint “plainly focuses on defendants’ violation of Wisconsin law”). Therefore, based on the allegations found in plaintiff’s amended complaint, dkt. 26, his case is proceeding on the federal claims that he has previously been granted leave to proceed *in forma pauperis* on and nothing more.

ORDER

IT IS ORDERED that plaintiff’s motion for ruling, dkt. 33, is DENIED.

Entered this 7<sup>th</sup> day of May, 2010.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge